

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
UNITED STATES OF AMERICA,	:	
	:	
-v-	:	16cr81 (DLC)
	:	
TYQUAN MORRIS,	:	
	:	<u>ORDER</u>
Defendant.	:	
-----X	:	

DENISE COTE, District Judge:

Tyquan Morris has moved for compassionate release pursuant to Title 18, United States Code, Section 3582(c)(1)(a). On May 19, 2016, Morris pleaded guilty to a single count of being a convicted felon in possession of ammunition, in violation of Title 18, United States Code, Section 922(g)(1). Morris was sentenced to 120 months' imprisonment on August 26, 2016. The Court of Appeals affirmed the conviction. He is now serving his federal sentence at United States Penitentiary, Leavenworth ("USP-Leavenworth"). He is thirty-two years old, and the Bureau of Prisons ("BOP") projects his release date as January 26, 2025.

Morris made an administrative request for compassionate release on January 9, 2021, which was denied by his warden on February 8. Morris then moved for compassionate release.

Because Morris exhausted his administrative remedies, the Court may reduce Morris' sentence if it finds that

"extraordinary and compelling reasons" warrant a reduction, 18 U.S.C. § 3582(c)(1)(A)(i). District courts may "independently . . . determine what reasons, for purposes of compassionate release, are extraordinary and compelling." United States v. Brooker, 976 F.3d 228, 234 (2d Cir. 2020) (citation omitted). If the Court concludes that Morris has presented "extraordinary and compelling reasons", the Court must then find that the sentencing factors set forth at 18 U.S.C. § 3553(a) support compassionate release before reducing Morris' sentence.

Morris' motion is denied. As an initial matter, he has not presented an extraordinary and compelling reason for compassionate release. Morris' motion for compassionate release is premised in part on an argument about the length of his sentence. This does not create a compelling reason for compassionate release. Morris challenged the reasonableness of his sentence on appeal, and that challenge was rejected.


Morris also contends that he faces an increased risk of contracting severe COVID-19 because of an underlying health condition and the conditions at USP-Leavenworth. USP-Leavenworth is actively engaged in vaccinating its inmates against COVID-19. See COVID-19 Vaccine Implementation, Bureau of Prisons, <https://www.bop.gov/coronavirus/>; Inmate Population Breakdown, Bureau of Prisons, https://www.bop.gov/mobile/about/population_statistics.jsp.

Morris has not described a health condition that constitutes an extraordinary and compelling circumstance meriting compassionate release.

Even if Morris had demonstrated extraordinary and compelling circumstances, the § 3553(a) factors would weigh strongly against his release. Morris committed a violent act less than one year after being released from incarceration. The seriousness of his conduct, which could have resulted in a death, requires a significant term of incarceration. Accordingly, it is hereby

ORDERED that Morris' motion for compassionate release pursuant to § 3582(c)(1)(A) is denied.

Dated: New York, New York
May 12, 2021



DENISE COTE
United States District Judge